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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-third session

REPORT OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The Sub-Committee of the Whole on International Protection met on 1 October 1992 under the chairmanship of His Excellency Ambassador Bernard de Riedmatten of Switzerland. The following agenda was adopted:

(i) Work of the inter-sessional meetings of the Sub-Committee of the Whole on International Protection (EC/SCP/72);

(ii) Note on International Protection (A/AC.96/799);

(iii) Any other business;

(iv) Adoption of the report to the Executive Committee.

At the suggestion of the Chairman, the Sub-Committee agreed to consider first the second item on the agenda, and then discuss items as set out in the provisional agenda (EC/SCP/75). This report follows the order of discussion of the agenda items.

2. In opening remarks to the Sub-Committee, the High Commissioner welcomed participating delegations, observing that there was a broad humanitarian consensus that persons in need of protection must be able to rely on the active concern of the international community. However, as the scale, scope, and complexity of the refugee problem continued to grow, against a background of dramatic geopolitical change, the task of providing protection was beset by many challenges, some of them new and some more familiar.

3. The High Commissioner explained that she had, therefore, requested the Director of International Protection to set up a Working Group to examine the most pressing protection issues, questions, and dilemmas and to propose a broad policy framework for addressing them. The findings and recommendations of the Working Group were summarized in the Note on International Protection. Because of the Sub-Committee's importance as a forum, not only for reaffirming existing protection principles but also for exploring forward-looking strategies, she was very interested in reactions to the issues raised in the Note. She considered the Working Group's report as a useful basis on which to build protection into the three-pronged strategy of prevention, emergency response and solutions which she had outlined to the Executive Committee at its forty-second session in 1991. The High Commissioner concluded by highlighting some of the many questions which must be explored, including how to protect the institution of asylum while exploring vigorously the possibilitities and limitations of in-country protection, and the interaction of UNHCR's humanitarian role with the broader peace-keeping role of the United Nations.

II. NOTE ON INTERNATIONAL PROTECTION

4. The Director of International Protection then introduced the Note on International Protection. He said that the Working Group's main orientation had been towards innovative protection strategies to complement and support traditional principles, so that the Office could continue to ensure effective protection for persons of its concern. The Working Group's principal findings and recommendations, as set out in the Note, were derived from a comprehensive analysis both of current operations and of practical strategies which UNHCR has had to employ. The Note itself was divided into four sections which discussed UNHCR's mandate and competence, the role of asylum, prevention, and solutions.

5. With respect to competence, the Working Group had felt that UNHCR's mandate was resilient enough to allow UNHCR to adapt to the new demands of refugee situations today. No extension of the mandate was being promoted. The term "refugee" was used in the Note to embrace persons within UNHCR's competence who may or may not fall within the 1951 Convention. The Working Group discussed the conditions under which, consistent with its mandate, the Office was enabled to become involved in less traditional areas, and the content and parameters of protection activities in such circumstances. On the subject of asylum, the Working Group recognized its fundamental role as a protection principle and as a practical, solution-oriented response. Variable approaches, including temporary protection, also need to be promoted, particularly in mass-influx situations.

6. Prevention should also be part of new approaches, although it could never be a substitute for asylum. Possible activities for UNHCR to undertake or encourage in this field included early warning, promotion of human rights and economic and social development, advisory services and assistance to internally displaced persons. Involvement in situations of internal displacement should occur only at the request of the international community and when certain baseline criteria, including the consent of all parties

concerned, were met. Solutions, including voluntary repatriation and comprehensive regional arrangements, were also discussed. The Director concluded by noting the necessity of committed international support and participation for strengthened protection, pointing out the need for close cooperation with other agencies, non-governmental organizations (NGOs), and academic institutions, and expressing his hope that the Sub-Committee's discussion would reinforce UNHCR's efforts.

7. In the ensuing debate, the Note on International Protection was widely praised by delegates as an innovative and thought-provoking document which raised basic issues in a measured and practical way. A number of delegations appreciated its realistic approach to concepts such as asylum and protection and its presentation of their scope and relevance, in full cognizance of the political realities of present-day refugee situations. Several delegations drew attention to the fact that concepts in the Note had already been discussed, to some extent, by the Executive Committee's Working Group on Solutions and Protection and they appreciated that the work of this group had served to stimulate certain of the thoughts and ideas reflected in the Note. One delegation called for the Note to be read together with other protection documents before the Executive Committee, from which it could not be entirely separated, including the Information Note on Implementation of UNHCR's Guidelines on Protection of Refugee Women (EC/SCP/74).

8. Many delegations commended the High Commissioner for her initiative in convening the in-house Working Group on Protection. They reasserted the primacy of the High Commissioner's protection function and welcomed her commitment to work with novel approaches to secure protection for persons of her concern in less orthodox situations.

9. There was general agreement that prevention activities were vital to new or variable approaches to today's forced migration problems. A number of delegations stressed the complexity of causes of refugee flows, including notably violations of human rights. The role of human rights bodies in preventing circumstances from arising which forced departure of refugees was stressed by many delegations and UNHCR was encouraged, in this regard, to continue to work in concert with organizations or bodies such as the Human Rights Commission and the Centre for Human Rights. UNHCR's active participation in preparations for the forthcoming World Conference on Human Rights was appreciated by one delegation. The development of an effective early-warning mechanism for refugee flows was encouraged by several delegations.

10. A number of delegations stressed, at the same time, that forced movements had their roots also in economic and social disparities, that there should be no prioritization of causes of refugee flows which would diminish the emphasis on socio-economic problems, and that international cooperation involving also the development agencies was necessary to address these causes. One delegation noted, in this connection, that UNHCR had a role to play to enhance understanding of the relationship between socio-economic development factors and the refugee and migration phenomena, but generalized UNHCR involvement in programme activities in these sectors would not be supported by his

Government. One delegation, in drawing attention to the multiplicity of causes of forced movements of people noted that in addition to the traditional causes of colonialism, neo-colonialism, apartheid and foreign intervention, some groups were now embracing extreme nationalism and ethnic separatism, accompanied by the splitting of States. That delegation cautioned against UNHCR becoming too actively involved in such situations, given the possible negative impact on its humanitarian mandate, as well as the undesirability of duplication of functions with bodies like the United Nations Security Council.

11. Many delegations agreed, generally, that preventive activities were best pursued within a framework of international cooperation and that it would be important to clarify the respective responsibilities and mandates of the concerned agencies, to avoid duplication of functions among agencies. At the same time, a number of delegations stressed the importance of preventive activities being undertaken, as appropriate, at the request of, or as a result of specific decisions by, the Secretary-General, the General Assembly or even the Security Council. One delegation also underlined the critical importance of political and financial support by the international community for any direct prevention activity in countries of origin.

12. Some delegations spoke in favour of an extension of UNHCR's competence to internally displaced persons. One delegation called for the putting in place of strong international legal safeguards for the protection of internally displaced persons. The international monitoring of the situation of the internally displaced would, it was felt by certain delegations, be an appropriate UNHCR activity in particular circumstances. A number of delegations cautioned, however, that specific protection activities, such as the creation of safety zones, were practicable only when specific conditions were present and that their feasibility generally required further study before they could be actively promoted. UNHCR was encouraged by one delegation to ensure its views are passed to the Representative of the Secretary-General currently studying the problem of internal displacement at the request of the Commission on Human Rights.

13. Many delegations expressed the view that, in relation to the range of approaches or activities addressed in the Note on International Protection, UNHCR's mandate was resilient enough, or allowed enough flexibility, to enable the Office to engage in new approaches in specific situations. One delegation made a distinction, in this connection, between the mandate of the Office allowing it to undertake such new activities, as opposed to requiring it necessarily to perform them. Another delegation commented that the humanitarian expertise and experience of UNHCR was justifiably widely recognized as qualifying the Office to take on new tasks. Caution was nevertheless voiced by many delegations about UNHCR not becoming involved in actions inconsistent with the humanitarian essence of its mandate, which had to be respected at all times. Other delegations expressed concern that the Office should not take on more than it could cope with, in terms of the resources available to it. One delegation encouraged UNHCR, when considering new approaches, to concentrate initially on a few activities of central relevance, rather than becoming involved in the full range of activities set out in the Note.

14. A number of delegations also stressed that activities representing a departure from the mandate could only be carried out on the basis of a specific request from, or with the endorsement of, the international community and, as appropriate, might best be performed in an inter-agency cooperative framework. Several delegations commented here on the valuable role NGOs could perform, both in countries of origin and countries of asylum, as part of a coordinated international effort to address refugee problems. One delegation commented in particular on the need for new approaches to embrace, as appropriate, certain cross-mandate activities. Another delegation felt that the 1951 Convention and 1967 Protocol relating to the Status of Refugees should remain the basic reference point for UNHCR activities.

15. Many delegations confirmed their support for the principle of asylum as a basic protection principle and an important element in pragmatic responses to refugee situations. Several delegations appreciated the recognition in the Note of the serious strains for asylum countries in hosting refugees. The acceptance, as reflected in the Note, of a potential role for UNHCR in combating abuse of asylum procedures and assisting with return of non-refugees was welcomed by some delegations. Others underlined the Note's emphasis on the need for an international effort, involving UNHCR cooperation, in addressing the reintegration difficulties which countries of origin experienced when receiving back former refugees.

16. Other delegations reaffirmed in more general terms the central role and importance of the 1951 Convention for persons to whom it applied. It was stressed by several that the Convention remained a vital, albeit discrete, aspect of refugee protection. At the same time, some delegations cautioned against borrowing terminology and approaches from the Convention for new refugee situations, to which these instruments were not intended to apply. A number of delegations stressed the need, in this connection, to distinguish carefully between the different groups of beneficiaries of international protection when resorting to international legal principles in their defence.

17. A number of delegations reaffirmed the central importance of basic principles of refugee protection, including the principle of non-refoulement. Several delegations disagreed with any suggestion that there was a legal right of non-refoulement for non-1951 Convention refugees. In relation to this group, it was felt that the entitlement of such persons was to minimum standards of protection, including non-discrimination and other fair and humane treatment, as well as respect for the integrity of the family unit. A delegation said it did not believe that there was any rule of customary international law preventing repatriation because of generalized conditions of unrest or violence.

18. There was broad acceptance among delegations of the value of particularized or variable approaches to asylum, protection and solutions in cases of mass influx. A number of delegations felt that such approaches might well include temporary protection, although several delegations believed there was a need to reflect further on what might be the appropriate content of temporary protection and how it related to asylum and the 1951 Convention/1967 Protocol regime of protection. Other delegations commented generally on the value of group determinations in mass influx situations, to be incorporated in

variable approaches as an alternative to individual status determination. The discretion of States to determine for themselves the parameters of their responsibilities in such influx situations was underlined generally by some delegations.

19. On solutions, many delegations reasserted the primary importance of voluntary repatriation as the preferred solution, where feasible. Several delegations called on UNHCR and the international community generally to work to encourage return from the outset of refugee situations, including through public awareness programmes. The "package" approach to solutions, as outlined in the Note, was supported by a number of delegations. A number also stressed the need for clear criteria to determine when UNHCR should phase out its assistance and protection activities on behalf of returnees, so as to avoid open-ended involvement.

20. A strong emphasis was placed by a number of delegations on regional cooperation to resolve refugee problems. One delegation commented, in particular, on the value of refugees staying, where possible, close to their home countries, so as to assist their return when conditions allowed and to facilitate their reintegration. Another delegation felt that asylum outside the region of origin should be considered relevant mainly for especially vulnerable groups, such as medical cases, which cannot be cared for inside the region. Yet another delegation underlined the need to examine regional possibilities to ensure temporary protection for certain groups. Other delegations underlined the value of more effective utilization of regional institutions for protection and solutions to problems of refugees and displaced persons and referred, in this connection, to the positive examples offered by ongoing regional approaches to problems, such as the International Conference on Central American Refugees (CIREFCA) process in Central America, and the Declaration adopted by the Horn of Africa Summit on Humanitarian Issues.

21. It was clear, for a number of delegations, that there were still many issues raised in the Note which required further study. Amongst those mentioned were how to facilitate return in safety, the meaning of safety zones, the content of temporary protection, the meaning and significance of preventive diplomacy and the notion of State responsibility and how it should be understood in refugee situations. Several delegations mentioned the possibility of using the Sub-Committee of the Whole on International Protection, including through its inter-sessional meetings, to pursue these issues.

22. At the close of the debate the Chief of the General Legal Advice Section summarized main themes for reflection in the Sub-Committee report. The Director of International Protection then responded to the debate, expressing his appreciation for the considered and thoughtful statements of delegations and affirming the importance he placed on further discussion of these vital questions which were international in scope. He confirmed that UNHCR would be pursuing the exchange of ideas and views on the matters raised by the Working Group on Protection, as set out in the Note, with a view now to devising strategies to meet the new protection challenges in the most flexible and effective way.

23. In conclusion, the Chairman of the Sub-Committee welcomed the rich and fruitful discussion on the Note, in which a very large number of delegations had participated. He acknowledged the unanimity delegations had displayed as to the quality of the document, underlined the preliminary nature of many delegations' comments and noted broad agreement that discussion on matters raised in it should continue.

24. Finally, he advised that conclusions of the Executive Committee reflecting the outcome of Sub-Committee debate on the Note, as well as any further discussion in Plenary on issues it raised, would be prepared by the Secretariat, for adoption by the Executive Committee during the forthcoming week, as the General Conclusion on International Protection.

III. WORK OF THE INTER-SESSIONAL MEETINGS OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

A. Review of the work of the inter-sessional meetings

25. The Information Note on the Inter-Sessional Meetings of the Sub-Committee (EC/SCP/72) was introduced by the Director of International Protection. He noted that inter-sessional meetings were held for the first time during 1992, and had provided a forum for discussion of a number of topics. The format had been a flexible one, with not all debates aimed at producing a conclusion, and with scope for delegations to share in the drafting of papers for discussion. Full reports of the 23 January and 13-14 April 1992 meetings were found in documents EC/SCP/70 and EC/SCP/71, respectively. The inter-sessional meetings had produced a draft conclusion on change of circumstances and the cessation clause, which the Sub-Committee might wish to recommend to the Executive Committee for adoption. The discussion of statelessness in one inter-sessional meeting had led to a request for UNHCR to seek information on the subject from the Centre for Human Rights. Following discussions with the Centre, a letter by UNHCR outlining the Executive Committee's concerns regarding statelessness had been distributed to the Preparatory Committee of the World Conference on Human Rights for consideration as an issue for the agenda.

26. The Director concluded by noting that, based on one year's experience with the inter-sessional meetings, the Sub-Committee might wish to review the organization of its work in the future. He stated that the Sub-Committee might wish to consider holding one meeting, which would last for more than one day, to allow greater participation by capitals.

27. The Chairman commented that the Sub-Committee was breaking new ground, both in terms of agenda items and in methods of work. He recalled that items had been divided into general and specific topics; discussion papers had been prepared by States as well as by UNHCR; and that it had been decided that formal conclusions were not necessary on all topics. He felt that the results had been very useful, but noted two areas to bear in mind. One was the difficulty of scheduling meetings at certain times of the year, and the other was the need to bring in experts from capitals to advise on technical or specialized subjects.

28. There was broad recognition of the value of the inter-sessional meetings, with many delegations stating that they had found them useful and constructive for Governments, UNHCR and NGOs alike. Ongoing dialogue on emerging issues was of paramount importance to refugees, displaced persons and others of concern to the Office.

29. With regard to the frequency of meetings, most delegations were in agreement that one meeting of longer duration would enable greater participation by experts from capitals, especially from developing countries and from those who had to travel long distances. The importance of close coordination between delegations and the Secretariat in establishing a calendar of meetings was stressed, in part to avoid conflict with meetings of the Commission on Human Rights, as well as of other bodies. In this regard, it was suggested that dates for the next meeting should be agreed and announced soon, to facilitate planning and maximize attendance. Some delegations felt that there should also be possibilities for the High Commissioner to convene a meeting on short notice, should the need arise to discuss a particularly topical issue. Another suggestion was the creation of a working group to supplement the inter-sessional meeting, if needed, to draft conclusions.

30. Several delegations agreed that the Note on International Protection provided numerous topics for further discussion, and that a pragmatic approach should be adopted, with debate focusing on subjects of universal relevance. Other suggestions for agenda items were the physical protection of refugees, and the working methods of the Sub-Committee. With regard to working methods, a number of delegations expressed appreciation for the format which allowed for discussion without always requiring the drafting of a conclusion. A few delegations noted, however, that any substantial conclusions to be recommended to the Executive Committee should be discussed in inter-sessional meetings first, in order to make the best use of time.

31. Appreciation was expressed for the discussion papers that had been prepared by the Secretariat, while a number of delegations noted that early receipt of documents would assist their preparation for meetings. A few delegations said that they would endeavour to contribute in the coming year to the drafting of discussion papers.

32. At the conclusion of the discussion on this item, the Sub-Committee recommended that the Executive Committee adopt the following decision on the Background Note on Inter-Sessional Meetings of the Sub-Commitee of the Whole on International Protection.

33. The Executive Committee,

Noting with appreciation the Background Note on Inter-sessional Meetings of the Sub-Committee of the Whole on International Protection (document EC/SC/72),

(a) Decides to request the High Commissioner to convene at least one inter-sessional meeting of the Sub-Committee of the Whole on International Protection to continue constructive discussions on relevant protection issues;

(b) Decides further to request the High Commissioner to report to the Executive Committee at its forty-fourth session on progress in the deliberations of the Sub-Committee.

B. Adoption of the report of the last meeting

34. The Sub-Committee adopted the draft report of its 25 June 1992 meeting without debate. As to the conclusion on cessation appended to that report, it was agreed that a working group of interested delegations should be convened to resolve pending difficulties with a view to submission of a draft conclusion on cessation for adoption by the Executive Committee at this session.

IV. ANY OTHER BUSINESS

A. Progress Report on Implementation of the UNHCR Guidelines on Protection of Refugee Women

35. The Chief of the General Legal Advice Section introduced the progress report, which she said served as a graphic illustration of the pervasiveness and severity of the protection problems affecting refugee women. Of particular concern in this respect was the lack of physical safety, notably for single and unaccompanied women, as well as for all women living in camps where traditional community life and social values often cannot be maintained. Unequal access to basic necessities, limited availability of medical services specialized in women's health and the often precarious legal situation of refugee women were other, equally preoccupying, areas of concern.

36. The report also demonstrated that concerted efforts and innovative strategies were needed to address these gender-based protection concerns as well as overcome the many obstacles that had been identified. It listed some of the measures that had already been taken in this regard by field offices, which have judged the Guidelines on the Protection of Refugee Women to contain very practical and useful recommendations. Also of relevance was a recommendation by the First Regional Forum on Refugees, Displaced and Uprooted Women (FOREFEM), a regional conference held recently in Guatemala to discuss the situation of uprooted women, that the problems affecting refugee women should be given greater prominence in human rights fora.

37. She concluded by expressing UNHCR's confidence that the Guidelines will prove to be an important tool for achieving substantial improvements in the general situation of refugee women and by urging delegations to work with UNHCR to promote and ensure their full implementation.

38. A number of delegations expressed appreciation for the progress report, noting with satisfaction that the protection of refugee women, who with children constitute the highest proportion of the world's refugee population, was now receiving greater attention and that gender awareness generally had increased. Some delegations were not in agreement with the manner in which the matter had been included on the agenda and suggested variously that the report could have been annexed to the Note on International Protection or the

matter examined as a separate agenda item. Several delegations also commented on the serious problems of physical safety facing many refugee women, and recommended that the Sub-Committee further consider this issue as it affects refugees generally.

39. A number of delegations urged States to collect and/or make available to UNHCR more statistical data, particularly in countries where the Office was not involved in refugee status determination procedures, as such information is essential for clarifying the scope of the problems and plays an important role in planning and implementation of necessary protection measures.

40. One delegation drew particular attention to the problems faced by female heads of household who are often not consulted regarding decisions affecting their lives and called for a closer examination of them. There was a strong need for increased training efforts directed at these refugee women to help them cope with their transitory situation and encourage them to become self-supporting within the shortest possible delay following their voluntary repatriation or local integration in the asylum countries.

41. Another delegation stressed that, while special measures such as physical reorganization of camps were often essential, these should not be a substitute for basic changes in the way refugee women's problems are addressed. Fundamental rethinking of the delivery of general services was recommended, in order that women's needs may be fully integrated into programme design and implementation. That delegation also mentioned that it had established a special resettlement programme for refugee women at risk and their dependents, as well as for women of concern to UNHCR. The programme, which used flexible selection criteria, had proved to be a very useful instrument of protection.

42. Another delegation noted that the protection problems affecting refugee women should be seen in their broader socio-economic context. The socio-economic dependency of refugee women was at the root of many of their protection problems and practical programmes including social and economic assistance, which would lead to self-reliance and independence, should therefore be initiated. The delegation noted that currently there are relatively few programmes of relevant international agencies in this respect, despite their potentially important role in eradicating abuses and assisting in the social rehabilitation of women.

43. UNHCR was encouraged to reinforce training programmes for its staff, as well as for the staff of implementing agencies and NGOs, in order to ensure that the Guidelines remain an operational tool. The importance of placing female staff in field locations was highlighted by several delegations. Cultural constraints which may be perceived in certain regions should be overcome given the profound importance to refugee women of contact with female UNHCR staff. One delegation felt that UNHCR should, as a short-term goal, aim at having at least one female staff member in each field office. The involvement of refugee women in the identification of their own problems, as well as in the implementation of supportive measures, was considered to be of particular importance, given that experience had already demonstrated the success of this approach.

44. Several delegations noted that the situation of refugee women was often inseparable from that of their dependants, i.e. refugee children, and that concrete measures for jointly addressing the problems of both groups should be developed. Some delegations felt that the debate on refugee women and children had become fragmented by separate consideration in the Executive Committee's two sub-committees, and that ways should be found to integrate the discussion on all aspects of this important area of refugee protection. UNHCR was encouraged to ensure that specific attention to refugee women's issues become an integral part of refugee protection and was requested also to ensure that the protection situation of refugee women and refugee children are both included in the plan of work for forthcoming meetings of the Sub-Committee of the Whole on International Protection. One delegation suggested that a special joint session of the two committees be convened.

45. Several delegations expected and were anxious to see the Guidelines bring about significant changes in the protection of refugee women, and asked to be kept informed of further progress regarding their implementation.

46. In response to the debate, the Senior Co-ordinator for Refugee Women thanked delegations for their supportive comments and helpful suggestions. The focus on the importance of addressing the social and economic needs of refugee women was very much in line with UNHCR's policy. She agreed that the recruitment of female field staff was an essential prerequisite for adequately addressing the problems affecting refugee women. She shared the concern of delegates regarding the lack of statistical data and noted that this subject was under consideration this year in the Sub-Committee on Administrative and Financial Matters. As regards the split discussions on refugee women and children in different fora, she was fully supportive of the proposal that they be better integrated. She would discuss the matter with the Secretariat and hoped shortly to be able to inform delegations as to recommendations that have been submitted with a view to arriving at a more satisfactory arrangement.

B. Information Note on UNHCR's Activities for Refugee Law Promotion, Dissemination and Training

47. In introducing this agenda item, the Chief of the Promotion of Refugee Law Section noted that training and promotion of refugee law had always been recognized as a basic protection responsibility and had been consistently supported by the Executive Committee. UNHCR had, therefore, over recent years developed extensive training activities for its own staff, as well as for Government officials, NGOs, lawyers and journalists with a view to strengthening their knowledge and skills and enhancing awareness of the problems and rights of refugees. The implementation of the High Commissioner's three-pronged strategy called for a more vigorous promotion policy with a particular focus on prevention and solutions. Consequently, new activities would be undertaken and ties with academic institutions, as well as international and non-governmental human rights organizations, would be strengthened, inter alia, through the newly created post of Human Rights Liaison Officer within UNHCR. Through building awareness of the worldwide refugee situation, UNHCR would seek to address negative public attitudes towards refugees.

48. All delegations who took the floor expressed their appreciation for the efforts of UNHCR in the field of refugee law promotion and training and stressed the value of increased knowledge and awareness among all those who are concerned with asylum-seekers and refugees. In particular, training for Government officials was considered an important promotion tool. One delegation explained that it had assisted UNHCR in a training seminar for Government officials in the Baltic region and expressed willingness to continue cooperation in this field. Another delegation thanked UNHCR for the training activities that had taken place in its country and expressed the hope that such activities would be continued in the future. It was important that the training was not just theoretical but also focused on practical day-to-day protection problems. In this connection, one delegation stressed the need to include segments on the specific protection problems of refugee women and vulnerable groups in training activities.

49. In responding to the debate, the Chief of the Promotion of Refugee Law Section assured the delegations that, in all training courses, due regard was had to refugee women and that the aim of the courses was to deal as realistically as possible with practical protection problems.

V. CONCLUSION ON CESSATION

50. The Sub-Committee recommended that the Executive Committee adopt the following conclusion on cessation of status due to "ceased circumstances".

51. The Executive Committee,

Recalling conclusion No. 65 (XLII) which, inter alia, underlined the possibility of use of the cessation clauses in Article IC (5) and (6) of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status,

Taking into account that the application of the cessation clause(s) in the 1951 Convention rests exclusively with the Contracting States, but that the High Commissioner should be appropriately involved, in keeping with the role of the High Commissioner in supervising the application of the provisions of the 1951 Convention as provided for in Article 35 of that Convention,

Noting that any declaration by the High Commisioner that the competence accorded to her by the Statute of her Office with regard to certain refugees shall cease to apply, may be useful to States in connection with the application of the cessation clauses as well as the 1951 Convention,

Believing that a careful approach to the application of the cessation clauses using clearly established procedures is necessary so as to provide refugees with the assurance that their status will not be subject to unnecessary review in the light of temporary changes, not of a fundamental character, in the situation prevailing in the country of origin,

Stresses that, in taking any decision on application of the cessation clauses based on "ceased circumstances", States must carefully assess the fundamental character of the changes in the country of nationality or origin, including the general human rights situation, as well as the particular cause of fear of persecution, in order to make sure in an objective and verifiable way that the situation which justified the granting of refugee status has ceased to exist;

Underlines that an essential element in such assessment by States is the fundamental, stable and durable character of the changes, making use of appropriate information available in this respect, inter alia, from relevant specialized bodies, including particularly UNHCR;

Emphasizes that the "ceased circumstances" cessation clauses shall not apply to refugees who continue to have a well-founded fear of persecution;

Recognizes therefore that all refugees affected by a group or class decision to apply these cessation clauses must have the possibility, upon request, to have such application in their cases reconsidered on grounds relevant to their individual case;

Recommends, so as to avoid hardship cases, that States seriously consider an appropriate status, preserving previously acquired rights, for persons who have compelling reasons arising out of previous persecution for refusing to re-avail themselves of the protection of their country and recommends also that appropriate arrangements, which would not put into jeopardy their established situation, be similarly considered by relevant authorities for those persons who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and economic links there,

Recommends that States, in giving effect to a decision to invoke the cessation clauses, should in all situations deal humanely with the consequences for the affected individuals or groups, and that countries of asylum and countries of origin should together facilitate the return, to assure that it takes place in a fair and dignified manner. Where appropriate, return and reintegration assistance should be made available to the returnees by the international community, including through relevant international agencies.

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EXECUTIVE COMMITTEE OF THE
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Forty-third session

REPORT OF THE SUB-COMMITTEE ON ADMINISTRATIVE AND FINANCIAL MATTERS

I. INTRODUCTION

1. The meeting of the Sub-Committee on Administrative and Financial Matters, held on 2 October 1992, was opened by its Chairman, His Excellency Ambassador Juan Archibaldo Lanus, of Argentina.

2. The provisional annotated agenda (EC/SC.2/53) was adopted, on the understanding that under agenda item 4, entitled "any other business", the Sub-Committee would deal with three additional issues, namely, the status of women in UNHCR, refugees and the environment, and the report of the chairman of the Staff Council.

II. REPORT ON THE WORK OF THE INTER-SESSIONAL MEETINGS OF THE SUB-COMMITTEE

A. Report of the Chairman

3. The Chairman then gave a report on the work of the three inter-sessional meetings of the Sub-Committee which were held on 13 December 1991, 15 April and 22 June 1992. Having highlighted some of the major issues considered by the Sub-Committee in the course of these sessions, the Chairman expressed his thanks to the delegations for the support they had given him.

B. Adoption of the Report of the 22 June meeting

4. The report of the 22 June 1992 meeting of the Sub-Committee, whose adoption had been deferred to later in the meeting to allow a delegation to consider its contents, was subsequently approved.

III. DEPUTY HIGH COMMISSIONER'S STATEMENT

5. The Deputy High Commissioner, Mr. M. Douglas Stafford, gave an overview of the main issues that would be considered by the Sub-Committee at the session, indicating that the various issues would be introduced in greater detail by his colleagues from the Secretariat. He introduced his remarks by commenting on the report of the Chairman on the work of the Sub-Committee in its inter-sessional meetings. He stated that he was struck by the number and importance of the issues considered. The Sub-Committee has assumed a crucial role in the Executive Committee's governance of UNHCR's finances, administration and human resources. UNHCR appreciated this support, especially at a time when the Office was confronted with some of the most complex and demanding challenges it had ever faced.

6. On behalf of the High Commissioner, he thanked donors for their generous financial support. At 25 September 1992, income received amounted to $ 728.1 million. This was a truly a remarkable response by the international community.

7. The Deputy High Commissioner then made some observations on UNHCR's stewardship of the resources placed at its disposal by the international community. He said that the Sub-Committee was aware of the efforts by the Office to create a culture of transparent and accountable management of its resources. He went on to outline further steps that the Office would be taking to strengthen its financial procedures and controls.

8. Progress in implementing UNHCR's policy in regard to refugee women and children was then detailed by the Deputy High Commissioner, as were developments in enhancing UNHCR's capacity to respond to emergencies. He noted that because UNHCR was so severely stretched in terms of its staff, it had been difficult to secure the prompt release of emergency staff from normal duties to attend to emergencies, as as well as to secure their release from an emergency situation, once the initial emergency phase had passed. He added that by improving its response capacity, UNHCR would be able to make a worthwhile contribution to efforts by the United Nations to assure a more coordinated response to complex humanitarian emergencies.

9. The Deputy High Commissioner paid tribute to the dedication of UNHCR staff who often have to work under appalling conditions in emergency situations.

10. In commenting on significant voluntary repatriation movements in progress, he spoke of the need to support these return movements by related packages of development initiatives, especially through what he termed as "emergency development". He drew attention to the note entitled Bridging the Gap between Returnee Aid and Development (EC/SC.2/56), which set out a range of issues that must be addressed by Governments in various developmental fora, and asked for the concrete support of delegations in the matter.

11. The importance of genuinely independent and impartial evaluations of UNHCR's activities was underlined by the Deputy High Commissioner. The Office remained committed to this aspect of its work, primarily because evaluation played a central role in organizational performance.

12. Among the other issues touched on by the Deputy High Commissioner, he mentioned how the Office was committed to improving the status of women in UNHCR. He said that the Division of Human Resources Management would be consulting with the Permanent Working Group on the Status of Women, which would be revived, so as to prepare a plan to implement all aspects of the policy guidelines on the status of women in UHNCR recently approved by the High Commissioner.

13. In the discharge of its humanitarian work, the Deputy High Commissioner noted that UNHCR had to be sensitive to environmental concerns, especially environmental degradation occasioned by the presence of large numbers of refugees in a given area. The Office needed to engender an awareness of environmental issues through the whole spectrum of its activities from emergency response to voluntary repatriation.

14. The Deputy High Commissioner concluded his presentation by stating that UNHCR looked to the Sub-Committee for continued guidance as it plotted its way through the stormy waters that presently surround the Office, in a supposedly new world order which was, nevertheless, characterized by the existence of millions of refugees and displaced persons.

IV. MAJOR TRENDS IN UNHCR'S ASSISTANCE ACTIVITIES

A. Update on Programmes and Funding

15. The agenda item was introduced by the Controller, Mr. G. Walzer. By way of introduction, he commented briefly on the changes made to some of the documentation before the Sub-Committee, especially the Overview of UNHCR Activities: Report for 1991-1992 (the Overview) (A/AC.96/798) and the document dealing with the country/area programmes (A/AC.96/793, Parts I-VI).

16. In response to the suggestions of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and of this Committee, UNHCR had attempted, particularly in the Overview, to provide both consolidated and yet more detailed information on staffing levels and related changes (Overview, Tables IV.6, IV.7 and IV.8), more detailed information on support costs (Table IV.4), and new tables (Summary Tables I and II) which consolidated all voluntary funds expenditure and budgetary estimates at the country level, thus avoiding the need to consult individual country or regional chapters. In addition, other improvements included more detailed reporting on the use of the Emergency Fund. In relation to country/area programmes, UNHCR had attempted to bring out more clearly programme priorities for the coming year and provide a better justification of related budgets. The Controller noted that the ACABQ had welcomed all these changes, but had also asked for more. He stated that UNHCR was able to accommodate most of ACABQ's requests, but would certainly want to consult with the Sub-Committee further on the information it wished to see reflected in the Overview. The trend that was emerging in the ACABQ recommendations would turn the Overview into basically a budgetary document.

17. Many delegations commented positively on the quality of the documentation and the improvements that had been introduced. There were some requests for the more timely receipt of documents. One delegation felt that data on actual and estimated income should appear in the Overview; it is only in the knowledge of expected income that appropriations can be responsibly approved. Another delegation stated that identification of the refugee population, less attention to the previous year's programme, and a description of programme priorities for the coming year were all elements of a useful programme presentation; in the documentation on country/area programmes before the Sub-Committee, the quality of presentations for the various countries/areas was uneven. One delegation asked for UNHCR's comments on the ACABQ observations dealing with documentation, including its timely submission to the Committee, as well as the need for more detailed information on staffing levels. In the light of the ACABQ's comments, another delegation expressed the wish that the issue of documentation, including the question whether its volume might be reduced, should be addressed at a future Sub-Committee meeting.

18. In commenting on these interventions, the Controller said that discussions had been held recently with the ACABQ Secretariat on the timing of the submission of UNHCR documentation in 1993. In the view of the UNHCR Secretariat, it was not possible to move the date of the UNHCR Executive Committee. UNHCR had agreed, however, with the ACABQ Secretariat on a timetable for presentation of its documentation to the ACABQ, so as to avoid the problems encountered in 1992. More generally, he felt that the observations of the ACABQ should be seen as encouragement to proceed on the course of action already entered into; the ACABQ had expressed its appreciation of the changes that UNHCR had already incorporated into its documentation. On the question of income/appropriations, the Controller noted that the Executive Committee approved budgetary targets, and that obligations could be entered into, only to the extent that funds were available. A procedure is already in place whereby UNHCR keeps the Sub-Committee informed on UNHCR's income situation in the course of the year through a series of documents.

1. General Programmes: 1992

19. In commenting on General Programmes, the Controller said that the revised target for 1992 stood at $ 386.4 million. Document EC/1992/SC.2/CRP.18, for which an addendum had been prepared (EC/1992/SC.2/CRP.18/Add.1), contained an update of the most recent developments. At 30 September 1992, obligations under General Programmes (including the Emergency Fund) stood at $ 275.5 million, which corresponded to 71 per cent of the General Programmes target. The Controller said that UNHCR expected to remain within the target of $ 386.4 million, even though there was budgetary pressure on a number of programmes and one was experiencing the effects of the low dollar. With much of the Programme Reserve already allocated, UHHCR was reviewing programmes for any savings that could be identified.

20. In regard to support costs and staffing levels, the Controller noted that details in the Overview document on both these subjects have been improved and expanded. UNHCR's support costs (Programme Support and Administration (PSA) & Project Personnel Expenditure (PPE) together, including

all costs of international protection), though rising overall, have in relation to the volume of activities dropped from some 26.7 per cent in 1990 to 20.7 per cent in 1991, the lowest in many years. It is expected that in 1992, they will again remain at about the same level. As to posts and staffing levels, UNHCR had seen a considerable rise in the numbers of temporary posts, mainly on account of Special Programmes; but as can be seen from the tables, more than ever UNHCR remained a field-oriented organization, with 77 per cent of its staff away from Headquarters. UNHCR was monitoring trends in grade movements in the Office; in 1991, senior posts (P.5 and above) numbered some 6.4 per cent of total posts; in 1992, these had dropped to some 5.5 per cent.

2. Overall Projections: 1992

21. The Controller pointed out that overall requirements for 1992, that is General Programmes and all Special Programmes, had been updated in document EC/1992/SC.2/CRP.18/Add.1, so as to advise the Sub-Committee of rather important changes during the last three weeks. Against projected needs for 1992 of $ 1,104.1 million, the income available, including funds brought forward from 1991, totalled $ 873.4 million, which represents almost 80 per cent of projected needs. A further $ 111.4 million could be anticipated on the basis of indications from some donors.

22. Attention was drawn by the Controller to the all important contribution that refugee programmes receive from the World Food Programme (WFP). He drew attention to a document that was available to the Sub-Committee, provided by WFP, which was entitled Emergency Operations, Protracted Refugee and Displaced Person Projects (CFA:34/SCP:9, Document 9/5). Some 1.7 million metric tons of basic food was needed this year, together with Internal Transport, Storage and Handling (ITSH) costs estimated at some $ 97 million. UNHCR expected some $ 28.3 million for ITSH through WFP.

3. General Programmes: 1993

23. The Controller noted that the main task of the Sub-Committee would be to recommend to the Executive Committee the General Programmes Target for 1993 as summarized in the Overview (A/AC.96/798, paras. 59-77). He pointed out that the proposed target of $ 378.2 million was composed of:

- activities as they could be programmed in April-May this year totalling $ 312 million, and which took into account some $ 30.4 million expected in ITSH through WFP;
- a Programme Reserve of $ 31.2 million corresponding to 10 per cent of programmed activities;
- a General Allocation for Voluntary Repatriation of $ 15 million and finally;
- $ 20 million for the Emergency Fund.

The target was lower than the revised 1992 target and some delegations had asked how realistic this target was. The Controller said that it represented UNHCR's best estimate at the time it was prepared in April-May 1992, and that programme updates were not sufficiently advanced to warrant a revision right

now. On the other hand, UNHCR had foreshadowed in document EC/1992/SC.2/CRP.18 and EC/1992/SC.2/CRP.18/Add.1, a number of situations where it definitely expected additional requirements, particularly in Africa, and which will certainly tax contingency funds. The Controller stated that any recommendations to increase contingency provisions for 1993 would be very welcome.

4. Funding Situation

24. An overview of the funding situation was given by the former Head of the Fund Raising Service, Mr. W. Blatter, who has been appointed Director of the Regional Bureau for Asia and Oceania. The new Head of the Fund Raising Service, Mr. E. Chipman was introduced to the Sub-Committee. Mr. Blatter stated that 1991 had been a year of exceptional requirements; little did one expect that 1992 would be a year of ever greater funding requirements. He asked whether the traditional humanitarian budgets would be able to cope with this trend. Even though Governments were faced with very serious budgetary constraints, perhaps the time had come to advocate increased humanitarian budgetary lines. In relation to 1992 General Programmes, he was confident that the Programmes would receive full funding. While major Special Programmes were also adequately funded, the year had seen some temporary funding problems for a number of programmes. In such circumstances, the contingency mechanisms, such as the Emergency Fund and the General Allocation for Voluntary Repatriations, had shown their value. Mr. Blatter concluded by thanking donors for their magnificent support and for the cooperation they had extended to him.

25. In the interventions on the preceding issues, one delegation noted that although the funding position of the Office looked healthy, discipline in UNHCR's management approach continued to be necessary. One delegation (Australia) informed the meeting that it would be increasing its unearmarked core contribution to UNHCR for 1993 by 8 per cent in real U.S. dollar terms. Another delegation stressed the need for UNHCR constantly to review and reassess its activities, resources and administrative structures; the interests of refugees are best served by having a lean and effective UNHCR. Greater burden-sharing was another theme underlined by delegations. The work and dedication of Mr. W. Blatter was praised by delegations.

26. A number of delegations commented on the growing disproportion of activities being funded under Special Programmes as compared to General Programmes. The situation was all the more worthy of closer scrutiny, given that the Executive Committee only formally approved the General Programmes target. One delegation asked that the Sub-Committee look into the question of the relationship between the General Programmes and Special Programmes, a question which had been raised by the Temporary Working Group of the Executive Committee in its deliberations.

27. A number of delegations urged an increase in the contingency provisions available to UNHCR, in the form of the Programme Reserve, the General Allocation for Voluntary Repatriation and the Emergency Fund. In supporting such increases, several delegations were particularly motivated by the evolving situation in Africa. One delegation was concerned about the fluctuations in the budget for Africa, as well as the slower rate of obligation in that region.

28. One delegation felt that the proposals were of a far-reaching nature and that they required careful consideration; it was proposed that these issues be discussed further in future meetings of the Sub-Committee. Another delegation also felt that the proposals should be studied with care and without haste. The general thrust of interventions in support of increases in the various contingency provisions, at least for 1993, was as follows:

(i) increase the Programme Reserve from 10 per cent of programmed activities under General Programmes to 15 per cent;

(ii) raise the General Allocation for Voluntary Repatriation from $ 15 million to $ 20 million; and

(iii) increase the Emergency Fund from $ 20 million to $ 30 million, with one delegation suggesting that the maximum amount drawn down for any single emergency be increased from $ 6 million to $ 8 million.

29. One delegation raised a number of questions on the modus operandi of the General Allocation for Voluntary Repatriation. It proposed that the Allocation be used for the planning phases of new voluntary repatriation movements, as well as for covering the entire costs of smaller movements, namely those below $ 5 million, thus avoiding the funding of these smaller movements under Special Programmes.

30. Several delegations raised questions about the level of 1992 expenditure for their countries and proposed expenditure for 1993. One delegation felt that it was inappropriate to invoke anticipated repatriation movements to justify substantial cuts in 1993 General Programme allocations. It drew attention to actual impediments to repatriations and to the need to envisage a minimum three year timeframe for return movements. The same delegation expressed the view that the introduction of a more favourable official rate of exchange should provide grounds for promoting the General Programmes allocation for its country rather than reducing it. Another delegation called for equity in the allocation of resources, and drew particular attention to the low number of scholarships made available for refugee students in his country. Other delegations raised questions as regards education and literacy programmes (see below). One delegation pointed to the small increase in the provisions for education in comparison to the revised 1992 target allocations. The impact of the drought in southern Africa, and its potential to aggravate refugee movements, was also raised by a delegation. One delegation took strong exception to the way his country had been treated by UNHCR, and cited, inter-alia, paragraph 1.25.28 of document A/AC.96/793 (Part I), which spoke of UNHCR's plans to close its Office in his country by the end of 1992 and current discussions in this regard being held with his Government. The delegate stated that he was not aware of any such discussions.

31. In responding to some of these interventions, the Controller stated that the Office had intended no offence to the delegation concerned and regretted any that might have been inadvertely caused to the delegation. UNHCR had every intention of discussing the question of an eventual closure of the office with the Government. (In view of the absence of any discussions to date on the closure of the Office, the Chairman said that the text would be

amended.) As regards proposals to increase contingency provisions for 1993, the Controller said that this would be a welcome move, as UNHCR could already see developments for which extra funding would be necessary; moreover, the early approval of an increased 1993 General Programmes target to provide for such increases would allow UNHCR's Fund Raising Service to enter forthwith into dialogue with donors in this regard. In relation to the suggestion that the General Allocation for Voluntary Repatriation be used to fund the entire cost of small movements that do not exceed $ 5 million, the Controller saw merit in the proposal; he felt, however, that the sum of $ 5 million might be a little high if the General Allocation remained at $ 15 million. The Controller also expressed the opinion that the educational activities of UNHCR could be usefully looked into by the Sub-Committee.

B. Implementation of UNHCR's Policy on Refugee Women

32. The Senior Co-ordinator for Refugee Women, Mrs. A. Brazeau, introduced the Progress Report on Implementation of the UNHCR Policy on Refugee Women (EC/SC.2/55). She stated that it should be read in conjunction with the Information Note on Implementation of UNHCR's Guidelines on the Protection of Refugee Women (EC/SCP/74). Substantial progress was reported in the implementation of programmes benefiting refugee women throughout UNHCR's activities, particularly in the delivery of protection and assistance at the field level. In this context, she pointed to the important part that the People-Oriented Planning training course had played in creating staff awareness of the differing needs and resources of women and men refugees, and the implications of this for programme planning. The Co-ordinator singled out as one significant regional initiative, the First Regional Forum on Refugee, Returnee, and Uprooted Women in Central America and Mexico (FOREFEM), held in Guatemala in February 1992. She expressed the hope that the experience gained in this process might be replicated in other regions. In terms of goals for the coming year, the Co-ordinator singled out, inter-alia, the need to address the emergency phase of UNHCR's programming; in particular, higher priority needed to be given to community mobilization in the emergency phase.

33. Many delegations complimented UNHCR on what had been achieved on behalf of refugee women. One delegation mentioned that in the past it had targeted funding to the position of the Co-ordinator, gender-oriented training and African refugee women's pilot projects; it was pleased with progress made. The need better to mobilize refugee communities early in emergency situations was also stressed, as was the need to develop a critical mass of staff capable of implementing the policy and guidelines on refugee women. One delegation welcomed the fact that UNHCR recognized the importance of making educational provision for refugee women, but it was concerned at the lack of literacy training. The situation of women in UNHCR camps in Kenya was also raised, in particular lack of clothing for them. It was felt that this assistance item should be included in appeals, if women are to be expected to play a full role in camp life, especially in carrying out tasks usually performed by them. Delegations also stressed the need to have more women involved in protection activities. The special needs of refugee girls were underlined; the UNHCR Guidelines on Protection of Refugee Women should also encompass female children. The expansion of gender-sensitive training was also advocated. Some delegations commented on the fragmented approach to women's issues occasioned by their consideration in two Sub-Committees (Sub-Committee of

the Whole on International Protection, as well as in the Sub-Committee on Administrative and Financial Matters), and pointed out that the duplication which resulted from discussing this issue in more than one sub-committee at a time should be avoided.

34. In commenting on the interventions, the Coordinator said the observations of delegations had been carefully noted, including the question of a more focused, unified consideration of refugee women's issues.

C. Implementation of UNHCR's Policy on Refugee Children

35. The newly appointed Senior Co-ordinator for Refugee Children, Mrs. A. Skatvedt, introduced the consideration of this agenda item, in particular the Information Note on Refugee Children (EC/SC.2/54). She stressed three areas of need that should be addressed, which had been highlighted in the World Declaration and Plan of Action emanating from the World Summit on Children: survival needs, protection needs and developmental needs. In focusing on developmental needs, the Co-ordinator shared her concerns about the educational needs of refugee children; more needed to be done in this regard during the emergency phase. In setting out the broad outlines of the UNHCR work-plan for the coming year, the revision of the presentation of the guidelines and the development of a strategy for their dissemination and implementation was underlined. Training activities would also be a priority, and it was intended that the major part of this would be done as an integral part of the People-Oriented Planning programme.

36. Delegations welcomed the appointment of the Senior Co-ordinator for Refugee Children. One delegation proposed that the position of Senior Co-ordinator for Refugee Children be integrated into UNHCR's staffing structure. The mainstreaming approach to the special problems of refugee children was supported by delegations. A delegation stressed the need to take measures to address the serious psychological damage afflicting many refugee children and announced its intention to support special initiatives during 1993, in conjunction with international organizations, to address this problem. One delegation spoke of the analysis undertaken by its Government in 1991 of the implementation of the Guidelines on Refugee Children; perhaps the most important recommendation to come from the study was the need for staff to develop attitudes whereby they focused on the refugee child and his/her particular needs as a refugee and as a child. The need for UNHCR to work closely in this area with other bodies, in particular with the United Nations Children's Fund (UNICEF), was also underlined. One delegation expressed the wish to see a guide on the protection of refugee children produced as soon as possible. Similarly, a delegation asked that questions related to the special needs of refugee children be taken up in inter-sessional meetings both in the Sub-Committee of the Whole on International Protection, as well as in the Sub-Committeee on Administrative and Financial Matters. One delegation urged UNHCR to continue to give special attention to the issue of unaccompanied minors and the need to protect them from abuse, as well as facilitate their family reunion. Another delegation, in welcoming what had already been achieved, felt that considerably more analysis is yet required on the specific needs of refugee children. It felt that while the focus on the health, educational and psycho-social needs of refugee children was commendable, they should not be looked on as passive beneficiaries; they also had a positive contribution to make. One delegation asked for clarification of paragraph 14 of the Information Note on Refugee Children (EC/SC.2/54).

37. In response, the Co-ordinator stated her appreciation for the expressions of support and the range of comments. The latter had been carefully noted.

38. One delegation asked how UNHCR linked the programme-budget preparation and review process and the implementation of guidelines on either refugee women or refugee children. The delegation pointed out that, having adopted policies on both refugee women and children, as well as guidelines on each, the Executive Committee, as well as the Sub-Committee on Administrative and Financial Matters, should continue to press to have implemented the standards set out in those documents. The delegation stated that its Government would be willing to work with UNHCR to assist in funding to provide assistance to field offices in programme planning and design, if lack of funding was a hindrance.

39. The Controller expressed appreciation for this offer. Agreeing that much still remained to be done, he went on to explain how the respective guidelines were taken into account in the programming and budget-preparation exercises. In addition to precise instructions to the field in this regard, visits to the field by the Co-ordinators, as well as their participation in the Annual Programme Review, were some of the means available to ensure that the guidelines were related to programming and budgetary exercises.

D. UNHCR's emergency response capacity

40. This agenda item was introduced by Mr. E. Morris, Deputy Director in the Division of Programmes, Support, Budget and Finance. Building on the information in the Note on UNHCR's Emergency Response Capacity (EC/1992/SC.2/CRP.15), he gave an update on more recent developments, particularly in relation to the Kenya-Somalia operation. Like the Deputy High Commissioner, he stressed the need to take steps to assure the prompt deployment of Emergency Response Team (ERT) staff, as well as their disengagement, once the emergency phase of an operation was over. Another priority was to take steps to assure better administrative control and accountability at times of emergencies. He said that initial discussions were under way on how to involve more United Nations Volunteers (UNVs) in UNHCR emergency operations. Similarly, negotiations with non-governmental organizations (NGOs) were proceeding in relation to needs assessments in sectors such as health/nutrition. One standby arrangement where more needed to be done concerned access to cargo planes. He said that the Department of Humanitarian Affairs (DHA) was looking into the issue of how military assets might be put to the best use in emergencies.

41. Delegations welcomed the progress made in relation to the enhancement of UNHCR's emergency response capacity. Arrangements with the Danish Refugee Council, the Norwegian Refugee Council and the Swedish Rescue Services Board were referred to by delegations. A number of delegations focused on budgetary issues, including the possibility of funding emergency preparedness activities from the Emergency Fund. Another delegation said it would like to see efforts to improve further UNHCR's response capacity included in General Programmes, as building capacity for emergency response is an integral part of effective operations. The whole question of coordination, in particular the relationship of UNHCR to the DHA was raised by a number of delegations, which encouraged UNHCR to continue to develop cooperation with the DHA which had already begun.

42. In responding to these interventions, Mr. Morris stated his appreciation for the support expressed. As well as giving detailed responses to certain budgetary questions, he explained the arrangements that have been established by the High Commissioner to ensure close liaison and coordination with the DHA.

E. Voluntary Repatriation

43. This agenda item was introduced by the Controller. He pointed out that, overall, UNHCR last year had projected that some 2.25 million people would return home during 1992, both spontaneously and in an organized manner. With close to 1.6 million having repatriated during the first eight months of the year, the final outcome for 1992 could be quite close to the overall projection. He noted, however, that as regards projections at the country level, there are enormous variations over what had initially been predicted. An examination of the reasons for this will show how any forward planning in the humanitarian sector is fraught with uncertainties.

44. The Controller stated that the General Allocation for Voluntary Repatriation had proved extremely helpful for start-up costs of new operations or smaller programmes, thus avoiding, particularly in regard to the latter, special funding appeals. With some $ 12.5 million allocated by 30 September 1992, UNHCR was left with a balance of $ 2.5 million only until year-end. He said that any proposal to increase the Allocation for 1993 to $ 20 million would be helpful, as UNHCR was hopeful that some earlier projections would now materialize in 1993, especially in regard to a number of major refugee situations in Africa. Referring to document EC/SC.2/56, Bridging the Gap between Returnee Aid and Development, he said he hoped it would draw the attention of the international community to the challenges that still need to be addressed in this regard.

45. Interventions by delegations focused mainly on issues related to the General Allocation for Voluntary Repatriation, or specific questions related to individual repatriation movements. A number of delegation welcomed the paper on returnee aid and development. In relation to this paper (EC/SC.2/56), one delegation felt that the issues raised could be profitably pursued with the DHA, as it was mandated to look into the reconstruction aspect of emergency responses. Another delegation asked to be kept informed of progress in relation to the implementation of the Guidelines on Refugee Aid and Development adopted by the Organizational Committee of the Administrative Committee on Coordination (ACC). One delegation welcomed the establishment of the Inter-Agency Working Group on the Reintegration of Refugees and Internally Displaced Persons. The question of de-mining operations, and their relationship to successful voluntary repatriation movements, was also raised by a number of delegations. Other delegations welcomed UNHCR's regional approach to voluntary repatriation, and another expressed support for the initiative taken by UNHCR to develop the so-called "package approach".

46. The Deputy High Commissioner expressed appreciation for the comments on the document Bridging the Gap between Returnee Aid and Development. He detailed progress in cooperative arrangements with the United Nations Development Programme (UNDP) and UNICEF. He made particular reference to cooperation with UNDP in the context of the International Conference on Central American Refugees (CIREFCA).

F. UNHCR's Evaluation Activities

47. This agenda item was introduced by the Chief of the Central Evaluation Section, Mr. L. Martin. He reviewed the activities of the past year, underlining three priority areas as mentioned in document A/AC.96/794 entitled UNHCR Evaluation Activities, namely emergency preparedness and response, logistics and UNHCR's role, presence and strategy in Western Europe. As regards this year's work, the Section was currently reviewing Quick Impact Projects (QIPS) for returnees in Nicaragua, and their potential as a model for repatriation programmes in other parts of the world. It was hoped that the review would help UNHCR to collaborate more effectively with UNDP. He expressed concern about the Central Evaluation Section's capacity to act as a catalyst for change and provide the kind of analysis required for planning, decision-making and training activities. He pointed out that with only two professional staff devoted to the evaluation function over the past two years, the Central Evaluation Section was hard pressed to meet the demands placed on it. He said the challenge was to expand the evaluation capacity of the Office, while maintaining the highest professional standards and ensuring that evaluations are made an integral part of the decision-making process of the Office. To meet this challenge, a number of different measures were under consideration. Among these were the establishment of arrangements for the secondment and funding of experienced evaluation staff from those Governments which have well-established evaluation agencies; the creation of closer links with research and policy institutes with particular expertise in refugee issues; the development of a collaborative relationship with the Evaluation Unit which is to be established in the DHA and closer working relationships with Evaluation Units in agencies that are UNHCR's traditional partners, such as WFP.

48. Delegations stressed the central importance of the evaluation function for the Office and the need for UNHCR constantly to review and reassess its activities, noting that both internal and external scrutiny of UNHCR's operations was indispensable at a time when the organization was seeking to manage a number of major refugee crises. One delegation referred to an external evaluation of UNHCR recently undertaken by consultants on behalf of the Canadian International Development Agency (CIDA). It thanked UNHCR for the cooperation received at all levels and expressed the hope that new ideas and approaches to issues would flow from this exercise. Delegations reaffirmed the importance of creating a culture of evaluation within UNHCR, and of integrating the lessons learned from evaluations in the decision-making, programming and planning processes. Several delegations emphasized the need to reinforce the evaluation function within UNHCR and to increase the human and financial resources allocated to the Central Evaluation Section, even at a time of multiple emergencies. Delegations also welcomed UNHCR's proposals to expand the Section's capacity by drawing upon the evaluation expertise of other organizations. It was noted that, despite constraints on its capacity, the Central Evaluation Section had been able to undertake a series of useful evaluations over the past year. According to one intervention, there had been a welcome improvement in both the number and the appropriateness of the reviews carried out. A number of delegations welcomed the recent review of UNHCR's activities in Western Europe, and commended the High Commissioner's acceptance and implementation of its recommendations. Other interventions expressed appreciation of the Central Evaluation Section's current focus on emergency preparedness and response, and on the reintegration of returnee populations, two principal issues confronting the Office.

G. Classification of Activities/Categorization of Posts (PSA/PPE)

49. This agenda item was introduced by the Controller. He referred to document EC/1992/SC.2/CRP.17. He recalled that the proposal was to regroup activities and posts in the following categories: executive direction and management; substantive/statutory activities; operational activities and support activities. By opting for this presentation, UNHCR would, in future, be able to identify substantive/statutory activities related to international protection and the pursuit of durable solutions. At present, these and their related support posts are included under Programme Support and Administration (PSA). He said that if the basic approach was supported by the Sub-Committee, UNHCR intended to provide at the spring session a sample presentation for the Sub-Committee's review.

50. Several delegations thought the proposal was worth pursuing and noted the broad support of the ACABQ for the exercise. In the context of the consideration of the various categories of activities, one delegation raised the question as to why UNHCR could not entrust its operations to others, in particular to NGOs.

51. The Controller, in commenting on some of the issues raised, noted that it was the policy of UNHCR to entrust the implementation of assistance programmes to other agencies, where possible. At present, UNHCR is working with some 240 implementing partners. In some situations, however, partners have been lacking, requiring UNHCR to become operational.

H. Refugee Statistics

52. This item was also introduced by the Controller. He recalled that the Deputy High Commissioner had already recognized in his statement the importance to be attached to statistics for public information and programming purposes. Document EC/1992/SC.2/CRP.16, entitled Refugee Statistics, set out the challenges that UNHCR faced in this area and also the proposed plan of action. It was hoped that UNHCR would be able to report more progress in this area to the future inter-sessional meetings of the Sub-Committee.

53. One delegation stressed that statistics were an indispensable tool for the proper planning of activities and referred back to the observations of the Executive Committee Temporary Working Group in this regard. The same delegation felt that the progress reported in the relevant document did not indicate exactly a quantum leap forward on the issue and urged UNHCR to consider providing available statistics to the Executive Committee.

V. VOLUNTARY FUNDS ACCOUNTS FOR THE YEAR 1991 AND REPORT OF THE BOARD OF AUDITORS

54. The Controller introduced this agenda item. He drew attention to document A/AC.96/796 which contained the audited accounts for 1991 covering all voluntary funds administered by UNHCR. He noted that already at the April session of the Sub-Committee, UNHCR had provided an advance copy of the 1991 income and expenditure statement which now forms Statement 2 of the official accounts. He drew attention to the new appendix 1 which was introduced at the request of the Board of Auditors to provide a more detailed accounting for other trust funds.

55. The Controller noted that the Report of the Board of Auditors (A/AC.96/797) highlighted irregularities and a number of deficiencies in the application of financial controls and programme monitoring, attributable both to UNHCR as well as operational partners. He said that, just as the Deputy High Commissioner had noted in his statement, UNHCR took the findings of the auditors extremely seriously and decisive follow-up actions had been initiated. Often the nature of the Office's work, the circumstances and conditions in which UNHCR and its implementing partners had to operate, left it quite vulnerable to abuse and inefficiency. Having said this, he wished to reassure the delegations that there was great determination within the management of UNHCR to address and redress problems of this nature. The Deputy High Commissioner has already referred to some of the measures taken in this regard. He said that much attention was currently being given to the question of creating a special UNHCR-dedicated audit unit in Geneva, within the Internal Audit Division of the United Nations. Only a few days ago, UNHCR had pursued earlier discussions which it had held on this subject in New York, and had submitted a quite detailed plan of the various steps that it believed needed to be taken so as to ensure early implementation of its proposal for such an audit unit. Both the Board of External Auditors and the ACABQ were supportive of this proposal. He believed that it was only through such a unit that UNHCR would have the kind of audit coverage it needed.

56. Numerous delegations expressed concern at the issues raised in the audit report, and indicated strong support for the proposal to create a special UNHCR dedicated audit unit in Geneva, within the Internal Audit Division of the United Nations. One delegation stated that UNHCR responses to the recommendations of last year's ACABQ report showed good faith on the part of the Office to establish and maintain adequate financial controls. Several delegations raised the question of delegation of more financial authority to the field. One delegation referred to the recent series of articles, in particular in the Herald Tribune, on the United Nations and UNHCR.

57. In response to the observations on delegation of financial authority to the field, the Controller noted that while in relation to administrative expenditure UNHCR might be regarded as rather centralized, in regard to operational expenditure, UNHCR was highly decentralized. Instead, the question might be raised whether the level of delegation in UNHCR for operational expenditure was not perhaps too great.

58. The Deputy High Commissioner, commenting on the recent adverse publicity on UNHCR, said that it had to be recalled that the press were invariably UNHCR's greatest ally. With their support, the needs of refugees were well and promptly made known. He foreshadowed a response by UNHCR to the series of articles.

VI. ENVIRONMENT

59. This agenda item was introduced by Mr. E. Morris of the Controller's Division. He said that document EC/1992/SC.2/CRP.20, entitled Refugees and the Environment, set out the broad policy issues, with a special focus on practical matters, especially the need to raise awareness of environmental considerations within UNHCR. There were two priorities for UNHCR in relation to the environment, namely the provision of appropriate fuel to refugees and adequate shelter. In fact, there was need for a major review of the shelter

issue. He said that an important step in UNHCR's efforts to become more environmentally sensitive would be the appointment of an Environmental Co-ordinator. The advice of the Sub-Committee would be sought on how to achieve a judicious blend of environmental initiatives within General and Special Programmes.

60. A number of delegations expressed support for the proposed initiatives in relation to the environment, in particular the proposal to establish a position of Environment Co-ordinator. It was noted that it was not UNHCR's intention to expand activities beyond playing a catalytic role in the implementation of environment-related programmes. It was nevertheless noted that a number of initiatives were within UNHCR's competence and that most of these initiatives could be absorbed within General Programmes. One delegation hoped that UNHCR would implement specific environment-related programmes in refugee-affected areas.

VII. STATUS OF WOMEN IN UNHCR

61. The Director of the Division of Human Resources Management, Mr. M. Baquerot, introduced this agenda item. In referring to the document entitled the Status of Women in UNHCR (EC/1992/SC.2/CRP.21), he said that it mapped the future action to be undertaken in relation to the status of women in the Office, while giving statistical information on the current situation. He explained the sequence of events that led to the adoption of the Guidelines on the Status of Women in UNHCR by the High Commissioner, and foreshadowed the steps that would have to be taken to give concrete expression to the Guidelines. In drawing up a plan of action, he said that the Permanent Working Group on the Situation of Women in UNHCR, which is soon to be reconstituted, would be the interlocutor with his Division in the consultation process leading to the establishment of an implementation plan for the Guidelines. It would also be part of the monitoring mechanism for assessing progress achieved. He said that the overall goal was the more equitable representation of women in the organization. By 1995, UNHCR is aiming to have 35 per cent women in the "D" and "P" and "L" categories as mandated by the General Assembly, giving particular attention to the more senior grades. He drew attention to Table 1 in paragraph 5 of document EC/1992/SC.2/CRP.21, which shows the evolution of the proportion of women in the Professional and higher categories during the period 1987 to 1992. In regard to the professional and equivalent categories, the overall aim is to recruit and retain qualified women in UNHCR. With this in mind, the Guidelines set three principal objectives: a better within-grade distribution in the Professional and higher categories with emphasis on senior grades; measures to ensure the recruitment and posting of women; and the achievement of some flexibility in the rotation policy, bearing in mind special constraints on women yet ensuring continuity of their careers. As regards the status of women in the General Service category, he drew attention to the five recommendations set out in paragraph 14.

62. In the various interventions on this agenda item, it was pointed out that the United Nations General Assembly resolution on the status of women called for 25 per cent of the management positions to be filled by women. It was felt that UNHCR needed to pay particular attention to this category. Another delegation stressed the importance of having women in field positions as protection and field officers; in fact, UNHCR should strive to place women in every field operation.

VIII. REPORT OF THE CHAIRMAN OF THE STAFF COUNCIL

63. The Chairman of the Staff Council, Mr. N. Ishak, intoduced the Report of the Chairman of the Staff Council on Issues of Concern to the Staff (EC/SC.2/57). He expressed his sincere thanks to the Sub-Committee for the opportunity to address it, and hoped that it would further enhance the quality of the dialogue between the Executive Committee and the Staff Representatives. Mr. Ishak asked that the Executive Committee institutionalize the arrangement whereby a document detailing the views of the staff would be submitted on a regular basis for the consideration of the Sub-Committee. In referring to the report, he drew attention to the overview section which spoke of a new era in staff-management relations and of new challenges. He then detailed the improvements in this area as well as the problems. In particular, he said that the status of the Staff Association and that of the Chairman of the Staff Council needed to be formalized. He regretted that a report on the outcome of the initiative to release the Chairman of the Staff Council on a full-time basis had not been made available to the Executive Committee; this was contrary to undertakings given in this regard by management. He went on to say that among crucial problems confronting UNHCR staff were difficulties in getting from the Division of Human Resources Management prompt action on agreements/decisions reached on staff issues, and the opaque and personalized style of human resources management. The Chairman of the Staff Council then reviewed other areas of the report. He expressed concern with the lack of transparency in the Annual Post Review (APR) process, and the absence of staff representation in the process. He said that the Staff Council advocated a comprehensive reclassification exercise, particularly with a view to rectifying the situation of field posts. In relation to staffing for emergencies, he drew attention to the questionnaire survey by the Staff Council and he hoped that management would take into account its findings. He said that the most important issues affecting UNHCR staff were working conditions in the field, noting that security had become a particularly serious issue. Mr. Ishak also underlined the importance of equitable geographical distribution for the Office, and felt that the Office should take some steps to redress imbalances. He also touched on aspects of the Mandate of UNHCR, human resources planning and development, the status of women in UNHCR and the administration of justice.

64. Numerous delegations praised the dedication of UNHCR staff. Delegations also underlined the importance of staff matters and good staff-management relationships. Some delegations noted the improved communication and greater understanding between management and staff. A number of delegations spoke on the question of equitable geographical representation in the organization; one delegation pointed out, however, that the paramount consideration in employing staff should be to ensure the highest standards of efficiency, competence and integrity. A number of delegations expressed concern over the security problems confronting UNHCR staff in the field. One delegation saw merit in a further period of detachment of the Chairperson of the Staff Council to allow him to give full attention to staff issues. The same delegation, however, thought a permanent detachment would be premature and asked that the situation be reviewed at the forty-fourth session of the Executive Committee.

IX. ANY OTHER BUSINESS

65. In the course of the Sub-Committee's deliberations, one delegation raised questions on the nutritional status of refugees, more particularly on the sources of information that UNHCR used to reassure itself on this question. In answering this question, the Controller said that UNHCR agreed on the food basket for refugee feeding operations with WFP. Both agencies very very active participants in the ACC Sub-Committee on Nutrition. Guidelines have been agreed to on this issue and would soon be released. At the more practical level, each country/camp had a medical coordinator whose responsibility it was to monitor the nutritional status of refugees. Larger programmes also had nutritionists attached. The Controller then referred to the food monitoring system that WFP had established in consultation with UNHCR.

66. One delegation welcomed the principle of cross-mandate operations for directing resources to areas where the problems of refugees, returnees and displaced persons are shared. On the other hand, such approaches must not be a means for an agency to withdraw from an area. Plans needed to be carefully coordinated to ensure continuous support to groups that are especially disadvantaged. Special attention also had to be given to proportional cost-sharing for such operations; the burden of funding should not fall completely on the UNHCR budget.

67. Several delegations asked that further consideration be given in one of the future inter-sessional meetings of the Sub-Committee to a number of issues, including UNHCR's human resources management policy and its public information strategy; these topics had only been addressed in a preliminary way by the Sub-Committee. On the subject of human resources management policy, one delegation said it looked forward to receiving the High Commissioner's report on progress towards a coherent and practical policy on the grading of posts at Headquarters and the field. The same delegation urged prompt attention to the streamlining of administrative procedures for the recruitment and deployment of staff. In commenting on some human resource management issues, the Director of the Human Resources Management Division spoke of steps taken to address staff security. He also provided information on the question of gender/geographical balance in the Office. In reply to a question by one delegation regarding the procedure for advertising professional posts for outside recruitment, the Director undertook to provide more detailed information to the delegation.

X. CONCLUSION

68. In closing the meeting, the Chairman thanked all the participants for their contributions to an interesting and fruitful exchange of views.